

DOCKET NO.: **OO-0140
Application No.: 09/675,025
Office Action Dated: January 21, 2009

PATENT

Amendments to the Drawings

The attached sheets of drawings include replacement figures. The sheet(s), which includes Figs. 1 – 23, replace the original sheets including Figs. 1 – 23.

Attachment: Replacement Sheets 1 thru 19 including Replacement Figs. 1 – 23.

REMARKS

Office action summary

As of the office action of January 21, 2009 (“Office Action”), claims 134-135, 137-147, 149-169, and 171-176 were pending in the present application. Claims 134-135, 142-145, 147, 154-158, 160-161, 165-169, 171-173 and 175-176 are presently amended. Claims 137-141, 149-153, 159, 164, and 174 are presently cancelled. Thus, following entry of the present amendments, claims 134-135, 142-147, 154-158, 160-163, 165-169, 171-173, and 175-176 will be pending.

As of the mailing of the Office Action, the status of the claims is as follows:

- Claims 134, 137-139, 141, 145-146, 149-151, 153, 157-158, 160, 164-169, 171-173, and 175-176 stand rejected under 35 USC § 103(a) as being unpatentable over Walters et al, US Patent 5,440, 334 (“Walters”), in view of Beach et al, US Patent 6,728,713 (“Beach”).
- Claims 135, 140, 147, 152, 159, and 174 stand rejected under 35 USC § 103(a) as being unpatentable over Walters in view of Beach, and further in view of Russo, US Patent 6,025,868 (“Russo”).

The amendments and rejections are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants’ undersigned attorney, Jon M. Isaacson, at **206-332-1102**.

Replacement Drawings

Applicants presently submit replacement drawing for Figs. 1 – 23. Applicants note that several of these figures, as previously filed, included several handwritten elements and text. The present replacement drawings contain to no handwriting. Applicants submit that no new matter is added.

Telephonic interview

On March 18, 2009, applicants' undersigned attorney and Examiner Strange conducted a telephonic interview. Applicants' undersigned attorney would like to thank the examiner for granting the interview. During the interview, applicants presented proposed amendments to the claims and those proposed amendments were discussed with regard to the cited art of record. The examiner requested that applicants indicate the portions of their specification which provide support for the proposed amendments. The examiner also indicated that the proposed amendments would not prompt a restriction of the claims. Any further substance of the interview is incorporated into the remarks below.

Claim amendments and specification support

Without conceding the propriety of the rejections in the Office Action, in an effort to advance prosecution of the present application, applicants presently amend claims 134-135, 142-147, 154-158, 160-163, 165-169, 171-173, and 175-176. The patentability of the claims in light of the rejections is discussed below.

As noted above, during the telephonic interview, the examiner requested that applicants point out the portions of their specification which provide support for the proposed claim amendments. Applicants submit that the present amendments to the claims are supported by at least the portions of applicants' specification from page 58, line 8 through page 62, line 11, and Figures 18-23.

Rejections under 35 USC § 103(a)

Claim 134 stands rejected under 35 USC § 103(a) as being unpatentable over Walters in view of Beach. Claim 134 is presently amended to recite, in part:

creating a digital neural archive pattern library by sampling frames of at least one of a plurality of video programs to determine recognizable patterns within each of said sampled frames;

encoding the plurality of video programs, wherein the encoding is based, at least in part, on the recognizable patterns of the digital neural archive pattern library;...

enabling at least one consumer device to play back an encoded video program by decoding the encoded video program using the digital neural archive pattern library...

(Emphasis added.) Applicants are unable to discern any teaching or suggestion in the cited portions of Walters or Beach that teach or suggest a digital neural archive pattern library. Because they fail to teach a digital neural archive pattern library, applicants submit that the cited portions of the cited art fail to teach or suggest each of the recitations of claim 134 cited above. Accordingly, applicants respectfully submit that claim 134 is patentably defined over the cited art and request withdrawal of the rejection of claim 134 under 35 USC § 103(a).

Independent **claims 146, 158, 168, and 175** stand rejected under 35 USC § 103(a) as being unpatentable over Walters in view of Beach. Claims 146, 158, 168, and 175 each recite a digital neural archive pattern library, similar to the recitations of claim 134 cited above. For at least the reasons discussed above regarding the patentability of claim 134, applicants submit that claims 146, 158, 168, and 175 are patentably defined over the cited portions of Walter in view of Beach. Accordingly, applicants respectfully request withdrawal of the rejection of claims 146, 158, 168, and 175 under 35 USC § 103(a).

Claims 135, 142-145, 147, 154-157, 160-163, 165-167, 169, 171-173, and 176 depend, directly or indirectly, from claims 134, 146, 158, 168, and 175. Inasmuch as claims 135, 142-145, 147, 154-157, 160-163, 165-167, 169, 171-173, and 176 depend from independent claims which are patentably defined over the cited art, applicants submit that claims 135, 142-145, 147, 154-157, 160-163, 165-167, 169, 171-173, and 176 are patentably defined over the cited art. Accordingly, applicants respectfully request withdrawal of the rejection of claims 135, 142-145, 147, 154-157, 160-163, 165-167, 169, 171-173, and 176 under 35 USC § 103(a).

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 134-135, 142-147, 154-158, 160-163, 165-169, 171-173, and 175-176 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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